

JUNE 19, 2017

The regularly scheduled meeting of the Mansfield Township Land Use Board was called to order by Chairman Ali Vaezi at 7:30 PM.

The meeting was opened by stating that adequate notice of this public meeting had been provided in accordance with the Open Public Meetings Act by:

1. posting a notice of this meeting on the bulletin board of the Municipal Building;
2. causing said notice to be published in The Express Times;
3. furnishing said notice to those persons requesting it pursuant to the Open Public Meetings Act; and
4. filing said notice with the Township Clerk.

Present: Vaezi, Farino, Mayor Watters, Hayes, Hight, Spender, Minter, Keggan, Cruts, Petteruti, Creedon (arrived at 7:35 PM).

Absent: Barton, Jewell.

Also present: William Edleston, Esquire; Drew DiSessa, P.E.

The Pledge of Allegiance was recited.

MOTION was made by **MINTER** to approve the **minutes** of the **March 20, 2017** meeting, as written.

SECONDED: HAYES.

Those in favor: Farino, Hayes, Hight, Spender, Minter, Keggan, Vaezi.

Opposed: None.

Abstained: Mayor Watters, Cruts.

MOTION was made by **VAEZI** to approve the **resolution** for **Case #17-01, Christina Seeger t/a Country Corner Store & Café, Block 1506, Lot 04**, as submitted.

SECONDED: HIGHT.

Those in favor: Hayes, Hight, Minter, Keggan, Farino, Vaezi.

Opposed: None.

Abstained: None.

Case #17-03, Harry W. Paas

Block 1806, Lot 6

The applicant was present

Paas was sworn in by Edleston, and certified that he sent out all the notices to all the property owners and utilities on the certified list obtained from the Tax Assessor. Paas stated he would provide all remaining green receipt cards to the clerk within two weeks.

Paas explained he would like to extend his living space in his home into his garage, and add a carport. Paas explained he would be renovating the garage, living room, and kitchen areas, and would be adding a door to the carport.

DiSessa stated there is a 20' minimum side yard requirement for either side, and the applicant is providing 28' on the south side and 9.2' on the north side.

Paas stated he is unable to purchase additional property to make the situation conforming. Paas explained there would be steel supports, a foundation, and a 4' roof pitch on the carport. Paas stated that he spoke with his neighbor who is approximately 20' from his property line. Paas stated the neighbor is fine with his proposal.

DiSessa stated the carport would become a part of the permanent structure if it is attached to the house.

Spender expressed concern that the carport would, at a later date, become an enclosed structure. Edleston stated the resolution could include a condition that the carport could not be used as living space.

Hayes asked if the construction of the carport would affect the driveway. Paas replied that he would have to add some pavement. DiSessa stated the driveway typically maintains a 10' setback, and that a driveway permit application would be necessary for alteration.

Vaezi stated that it appeared the driveway extends beyond the garage anyway, and Paas agreed that it does.

The hearing was opened to the general public for comments and questions, and there were none offered.

MOTION was made by **FARINO** to approve the variance application for **Case #17-03, Harry W. Paas**, subject to the carport addition not being used for living space, and the additional green cards being submitted with two weeks.

SECONDED: HAYES.

Vaezi mentioned there appears to be a fence shown. Paas replied there was a fence, but it was in disrepair. Paas stated there is now a temporary fence in place to keep his dogs in, but a permanent fence will be installed.

JUNE 19, 2017 minutes

Page 3.

Those in favor of the motion: Hight, Spender, Minter, Keggan, Cruts, Farino, Mayor Watters, Hayes, Vaezi.

Opposed: None.

Abstained: None.

Edleston indicated the application for **Case #17-02, Bear Creek Properties, LLC** was withdrawn, and they are looking to merge the lots by deed. DiSessa stated the former owner subdivided the lots, and now they will again be merged.

Minter asked if there was an outstanding use violation on the property. DiSessa replied there is technically a violation, because the application that was to be submitted in a timely fashion was withdrawn.

Cruts asked if the County Agriculture Board designated the use as a commercial farm. Edleston stated there appeared to be other uses, and the Ag Board's decision wouldn't preclude the Land Use Board from reviewing the matter.

DiSessa mentioned the **Airport Road Estates/Brinkerhoff** matter issued a letter requesting the bonding and final plat. DiSessa explained the applicant proposed a speed table as a traffic calming device, but he wasn't in favor of that. DiSessa stated he recommended a small traffic island be installed at the cul-de-sac location.

Mayor Watters stated he would rather take over the roads after the homes are built.

Regarding **The Meadows** project, DiSessa stated they are getting the performance bond in order so they can proceed with the model home. DiSessa indicated that Ryan Homes has been named as the builder of record. DiSessa stated the applicant is contemplating revisions with possible additional lots, and revisions to the clubhouse area.

A discussion took place regarding the number of homes allowed by the prior approval, and the sewer system functionality if additional homes are added.

Regarding the **Yusen** site, DiSessa reported he visited the site, and the driveway has been paved. DiSessa stated the stacking of the air conditioners is still taking place, and they were told to reduce the height.

Cruts asked if the solar farm output is now live, and DiSessa replied it is.

The Chairman asked for comments from the members of the general public.

Carol Thompson, Route 57, stated she was before the board because the NJ Cars site continues to be in violation. Thompson read a prepared statement relating her opinion about the continued use violation across the road from her home. Thompson stated there were letters issued by the Board Attorney and the Township Attorney, but they are not legal. Edleston replied the letters were issued as advice to their clients.

Farino stated there are other commercial uses in the location of the subject property, and the employees and customers could park in front of the fence.

Minter asked if it isn't an enforcement issue if they continually park vehicles in front of the fence that aren't supposed to be there.

Further discussion took place regarding the history behind the action taken by the board at the time of Thompson's application. Edleston stated the application was noticed properly, but the NJ Cars people didn't appear. Edleston indicated that it should be up to the property owner to make application to the board in a proper manner if they want to allow additional parking in front of the fence.

MOTION was made by **FARINO** to direct the Board Attorney to contact the NJ Cars attorney asking the applicant to file an application to the Land Use Board in order to amend the resolution.

SECONDED: MINTER.

Those in favor: Spender, Minter, Keggan, Cruets, Farino, Mayor Watters, Hayes, Hight, Vaezi.

Opposed: None.

Abstained: None.

Joseph Toscano and Nick Toscano, Route 57 Salvage, appeared before the board. In response to Thompson's claims, J. Toscano stated they were represented by an incompetent attorney. Toscano stated the Thompson's are the only ones to object about their operation. Toscano stated they run their operation according to Judge Palmer's decision.

N. Toscano spoke regarding the operation, and claimed Thompson's facts and photographs are incorrect.

Farino stated the Toscano's need to file an application in order to clarify the exact uses regarding outside the fence parking.

JUNE 19, 2017 minutes

Page 5.

Further discussion took place regarding the necessity for the Toscano's application. J. Toscano sought further clarification as to why they would have to make an application. Toscano made excuses as to why they didn't appear at the public hearing during the Thompson's application.

The hearing was closed to further comments.

MOTION was made by **FARINO** to authorize the Township Committee to pay the professional invoices.

SECONDED: HAYES.

Voice vote: ALL IN FAVOR.

The meeting was adjourned by the Chairman at 8:51 PM.

Respectfully submitted,

Patricia D. Zotti, Clerk
8/25/2017 amended